

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**MEMPHIS A. PHILLIP RANDOLPH
INSTITUTE, THE EQUITY ALLIANCE,
FREE HEARTS, THE MEMPHIS AND
WEST TENNESSEE AFL-CIO
CENTRAL LABOR COUNCIL, THE
TENNESSEE STATE CONFERENCE
OF THE NAACP, SEKOU
FRANKLIN, and KENDRA LEE,**

Plaintiffs,

v.

**TRE HARGETT, in his official capacity
as Secretary of State of the State of
Tennessee, MARK GOINS, in his
Official capacity as Coordinator of
Elections for the State of Tennessee,
and AMY WEIRICH, in her official
capacity as the District Attorney General
for Shelby County, Tennessee,**

Defendants.

**Case No. 3:20-cv-00374
Judge Richardson
Magistrate Judge Frensley**

MOTION TO RECONSIDER

Defendants respectfully ask this Court to reconsider its September 9, 2020 Order granting Plaintiffs’ motion to preliminarily enjoin Tenn. Code Ann. § 2-2-115(b)(7)’s requirement that first-time voters who registered to vote by mail “appear in person to vote.” In that Order, this Court concluded that “the NAACP has associational standing [to challenge Section 2-2-115(b)(7)] by virtue of the standing of its member, Mr. Sweet.” (DE 79, PageID# 2599.) This Court also observed, however, that Plaintiffs only “made the bare minimum showing of standing.” (*Id.*) Plaintiffs’ latest filings, particularly the newest declaration from Mr. Sweet, undercut even that “bare minimum showing” and reveal that they currently lack standing. For that reason, as well as

those set out in Defendants' contemporaneously filed memorandum, this Court should reconsider its September 9, 2020 Order.

In accordance with Local Rule 7.01, Defendants contacted Plaintiffs about their intention to file this motion. Plaintiffs indicated that they oppose the motion.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General and Reporter

/s/ Alexander S. Rieger
JANET M. KLEINFELTER (BPR #13889)
Deputy Attorney General
Janet.kleinfelter@ag.tn.gov

ANDREW B. CAMPBELL (BPR #14258)
Senior Assistant Attorney General
Andrew.campbell@ag.tn.gov

ALEXANDER S. RIEGER (BPR #029362)
Assistant Attorney General
Alex.rieger@ag.tn.gov

MATTHEW D. CLOUTIER (BPR #036710)
Assistant Attorney General
Matt.cloutier@ag.tn.gov

Office of the Tennessee Attorney General
Public Interest Division
P.O. Box 20207
Nashville, TN 37202
(615) 741-7908

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing documents have been forwarded electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the parties named below. Parties may access this filing through the Court's electronic filing system.

William L. Harbison
Lisa K. Helton
Christopher C. Sabis
Christina R.B. López
Sherrard, Roe, Voigt & Harbison, PLC
150 3rd Avenue South, Suite 1100
Nashville, TN 37201

Danielle Lang
Ravi Doshi
Molly Danahy
Jonathan Diaz
Campaign Legal Center
1101 14th Street NW, Suite 400
Washington, DC 20005

Ezra Rosenberg
Pooja Chaudhuri
Jacob Conarck
Lawyers' Committee for Civil Rights Under Law
1500 K Street NW, Suite 900
Washington, DC 20005

Date: September 11, 2020

/s/ Alexander S. Rieger
ALEXANDER S. RIEGER
Assistant Attorney General